

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JUAN JOSE DE HOYOS

Plaintiff,

V.

PASCHALL TRUCK LINES, INC. and

DARIUS JAMEL RAKEEM MCRAE

Defendants.

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Civil Action No. 4:20-cv-3577

Jury Trial

NOTICE OF REMOVAL

Defendants, **PASCHALL TRUCK LINES, INC. and DARIUS JAMEL RAKEEM MCRAE**, (hereinafter referred to as “Defendants”), through undersigned counsel, petition this court pursuant to 28 U.S.C. §1441 and 1446, for removal of this action currently filed in the 71st Judicial District Court of Harrison County, Texas. Defendant would show this Court as follows:

BACKGROUND

1. On September 24, 2020, Plaintiff, **JUAN JOSE DE HOYOS**, filed an Original Petition against **PASCHALL TRUCK LINES, INC. and DARIUS JAMEL RAKEEM MCRAE** alleging personal injury damages as a result of a motor vehicle accident. This Petition is styled, *Juan Jose De Hoyos v. Paschall Truck Lines, Inc. and Darius Jamel Rakeem McRae*; Cause No. 2020-59948; filed in the 334th Judicial District Court of Harris County, Texas.
2. This Notice of Removal is filed with this Court within thirty (30) days of service of the initial pleading upon the removing Defendant, as required by 28 U.S.C. § 1446(b).
3. The state court action was on file in Harris County. Therefore, Defendants are entitled to remove this action to the United States District Court for the Southern District of Texas, Houston Division.

4. **PASCHALL TRUCK LINES, INC. and DARIUS JAMEL RAKEEM MCRAE**, has appeared herein and is the Removing Defendants.
5. Plaintiff, **JUAN JOSE DE HOYOS** is a resident of the State of Texas.
6. Defendant, **PASCHALL TRUCK LINES, INC.**, is a Kentucky corporation with its principle place of business in Kentucky.
7. Defendant, **DARIUS JAMEL RAKEEM MCRAE** is a resident of the State of North Carolina.
8. The basis for the removal is diversity jurisdiction under 28 U.S.C. § 1332. Plaintiff has alleged negligence and personal injury arising out of a motor vehicle accident and has pled that damages are in excess of \$200,000. See section VII of Plaintiff's Original Petition. Therefore, jurisdiction in this court is proper.
9. The District Clerk for Harris County, Texas and Plaintiff has been given written notice of the filing of this Notice of Removal. The State Court Docket Sheet is attached here as **Exhibit "A."** There are no pending motions.

ALL DEFENDANTS' CONSENT TO REMOVAL

10. Defendant, Darius Jamel Rakeem McRae, has not made an appearance in this case and there is no executed service of process upon Darius Jamel Rakeem McRae. However, Darius Jamel Rakeem McRae has consented to the removal of the action to federal court.
11. Plaintiff has made a request for a jury in the Plaintiff's Original Petition.

CONCLUSION

Defendants, therefore, respectfully request the removal of this action from the 334th Judicial District Court of Harris County, Texas.

Respectfully submitted,



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**ATTORNEYS FOR DEFENDANTS,
PASCHALL TRUCK LINES, INC. AND
DARIUS JAMEL RAKEEM MCRAE**

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of October, 2020, a true and correct copy of the foregoing instrument was served electronically, in person, by mail, by commercial delivery service, by fax, or by email, to the following counsel of record:

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